

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the proposed repeal of)	NOTICE OF PROPOSED
ARM 4.11.1201 through 4.11.1209)	REPEAL
relating to a specific agricultural ground)	
water management plan)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On August 26, 2006, the Montana Department of Agriculture proposes to repeal the above-stated rules.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on August 10, 2006, to advise us of the nature of the accommodation that you need. Please contact Gregory H. Ames at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT, 59620-0201; Phone: (406) 444-3144; Fax: (406) 444-5409; or e-mail: agr@mt.gov.

3. The rules as proposed to be repealed provide as follows:

4.11.1201 GENERAL located at page 4-337, Administrative Rules of Montana.

AUTH: 80-15-217, MCA
IMP: 80-15-214, MCA

4.11.1202 DEFINITIONS located at page 4-337, Administrative Rules of Montana.

AUTH: 80-15-217, MCA
IMP: 80-15-217, MCA

4.11.1203 GEOGRAPHICAL AREA located at page 4-338, Administrative Rules of Montana.

AUTH: 80-15-217, MCA
IMP: 80-15-212, MCA

4.11.1204 AGRICULTURAL CHEMICAL located at page 4-338.1, Administrative Rules of Montana.

AUTH: 80-15-217, MCA

IMP: 80-15-212, MCA

4.11.1205 IMAZAMETHABENZ METHYL STANDARD located at page 4-338.1, Administrative Rules of Montana.

AUTH: 80-15-217, MCA

IMP: 80-15-201, MCA

4.11.1206 CONTENTS located at page 4-338.1, Administrative Rules of Montana.

AUTH: 80-15-217, MCA

IMP: 80-15-214, MCA

4.11.1207 PUBLIC NOTIFICATION located at page 4-338.3, Administrative Rules of Montana.

AUTH: 80-15-217, MCA

IMP: 80-15-215, 80-15-218, MCA

4.11.1208 RECORD KEEPING located at page 4-338.3, Administrative Rules of Montana.

AUTH: 80-15-217, MCA

IMP: 80-15-214, 80-15-217, MCA

4.11.1209 EVALUATION located at page 4-338.4, Administrative Rules of Montana.

AUTH: 80-15-217, MCA

IMP: 80-15-217, MCA

REASON: ARM 4.11.1206 of the Administrative Rules of Montana describes the contents of the Specific Management Plan for Imazamethabenz methyl on the Fairfield Bench of Montana. The implementation of an educational program for users of Imazamethabenz methyl and integration of Best Available Technologies into farm practices on the bench have been achieved. An evaluation of ground and surface water monitoring data shows that the presence of Imazamethabenz methyl has been mitigated during the four years the Specific Management Plan has been in place on the bench. A survey of barley producers within the Specific Management Zone shows that the Specific Management Plan has improved knowledge of the relationship between Imazamethabenz methyl use and ground water quality, and that appropriate mitigation measures have been adopted by a majority of producers on the bench.

Research conducted on the bench during the past four years has improved understanding of the Fairfield Bench's geology, and of the strongly connected relationship of soil inputs and ground water contamination. Given this close

relationship, the Steering Committee for the Fairfield Bench will continue to meet so that educational outreach will be ongoing. The Montana Department of Agriculture will continue to monitor ground and surface water in the area as part of the statewide ground water monitoring network. The Voluntary Advisory Committee for the Fairfield Bench will also continue to meet to evaluate monitoring data and new technologies that will help continue the mitigation of all agricultural chemicals in the water on the Fairfield Bench.

The intention of the Specific Management Plan, to prevent or minimize the presence of Imazamethabenz methyl on the Fairfield Bench, has been fulfilled to the best extent possible given the geological conditions on the bench. Therefore, the regulatory presence of the Specific Management Plan is no longer necessary.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Gregory H. Ames at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT, 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov. Any comments must be received no later than August 24, 2006.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Gregory H. Ames at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov. A written request for hearing must be received no later than August 24, 2006.

6. If the department receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 36 persons based on 357 identified persons who reside within the specific management zone.

7. The Department of Agriculture maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT, 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

8. An electronic copy of this Notice of Proposed Repeal is available through the department's website at www.agr.mt.gov, under the Administrative Rules section. The department strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF AGRICULTURE

/s/ Nancy K. Peterson
Nancy K. Peterson, Director

/s/ Timothy J. Meloy
Timothy J. Meloy, Attorney
Rule Reviewer

Certified to the Secretary of State, July 17, 2006.